



**US Army Corps  
of Engineers®**

## **SPECIAL PUBLIC NOTICE EMERGENCY PROCESSING PROCEDURES**

Los Angeles District

November 21, 2000

On January 1, 1998, the U.S. Army Corps of Engineers South Pacific Division issued Program Guidance Letter PGL 0-98-01 relating to the submission of requests for implementation of Emergency Procedures under the provisions of 33 Code of Federal Regulations Part 325.2(e)(4). By memorandum dated February 25, 1998, the South Pacific Division provided additional comments and corrections to PGL 0-98-01. This guidance is effective until December 31, 2000, but will be renewed for an additional, as yet undetermined, length of time. When the new guidance is issued, it can be viewed on our website at <http://www.spl.usace.army.mil/>. Go to Regulatory, then Recent Public Notices.

33 CFR 325.2(e)(4) provides for the implementation of expedited processing procedures for the review, coordination, and decision making with respect to permit applications during times of emergency situations. This part also defines an "emergency" as a situation that would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

Even in emergency situations, you must obtain a Department of the Army permit to conduct activities within the Corps of Engineers' regulatory jurisdiction. The Corps of Engineers does not issue "emergency permits," but does implement significantly modified procedures to evaluate permit applications during emergency situations. Permit decisions are generally made in a matter of days or hours depending upon the urgency of the situation.

The attached policy is to advise all interested parties of the special processing procedures developed by our South Pacific Division Engineer. These procedures must be followed when requesting implementation of expedited procedures.

The policy is applicable to all district offices within the South Pacific Division (Los Angeles, San Francisco, and Sacramento).

For more information, please contact Mr. Mark Cohen, Los Angeles District, Regulatory Branch, North Coast Section, at (805) 641-1127.

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DEPARTMENT OF THE ARMY  
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS  
333 Market Street, Room 1002E  
San Francisco, California 94105-2195

CONSTRUCTION-OPERATIONS DIVISION  
PROGRAM GUIDANCE LETTER  
PGL O-98-01

1 January 1998

Expires 31 December 2000  
REGULATORY  
Emergency Authorizations - Procedures for  
The Regulatory Program

1. Purpose: To provide guidance with respect to submission of requests for implementation of Emergency Procedures under the provisions of 33 CFR Part 325.2(e)(4).

2. Applicability: This guidance is applicable to all District and field offices within the South Pacific Division and is effective 1 January 1998.

3. Guidance:

a. CESPD PGL O-95-01 issued on 27 March 1995 and expiring on 31 December 1997, is hereby extended until 31 December 2000, with the following changes:

1. The correct South Pacific Division office responsible for the receipt of faxed or e-mailed requests is CESPD-ET-C (Regulatory Program Office) [Paragraph 3.c].

2. The appropriate South Pacific Division contacts in priority order are (Paragraph 4.b):

a. Regulatory Program Manager, CESPD-ET-C, (415) 977-8030

b. Chief, Construction-Operations Division, CESPD-ET-C, (415) 977-8031

c. Office of Counsel, CESPD-OC, (415) 977-8211

d. Director, Engineering & Technical Services, CESPD-ET, (415) 977-8019

e. Deputy Division Engineer, CESPD-DD, (415) 977-8002

**CESPD-ET-C**

**SUBJECT: Emergency Authorizations - Procedures for The Regulatory Program**

f. Division Engineer, CESPD-DE, (415) 977-8001

4. This guidance expires on 31 December 2000 unless sooner revoked or modified.



Attachment: CESPD PGL O-95-01

**J. RICHARD CAPKA**  
Brigadier General, U.S. Army  
Commanding



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS  
333 Market Street, Room 923  
San Francisco, California 94105-2195

CESPD-ET-C

25 February 1998

MEMORANDUM FOR: Commander, Albuquerque District, ATTN: CESPA-OD-R  
Commander, Sacramento District, ATTN: CESP-K-CO-R  
Commander, San Francisco District, ATTN: CESPN-CO-R  
Commander, Los Angeles District, ATTN: CESPL-CO-R

SUBJECT: South Pacific Division Program Guidance Letter O-98-01, Emergency Authorizations

1. Please reference SPD's Program Guidance Letter (PGL) O-98-01, issued 1 January 1998 which extended the guidance provided by PGL O-95-01 until 31 December 2000. The following additional comments and corrections are provided:

a. The referenced guidance applies to all actions requiring notice, i.e., individual permits and nationwide permits requiring a preconstruction notification (PCN). Those nationwide permits not requiring PCN's are not subject to the requirements of the PGL since there is no modification to normal procedures. The authorizations provided for in 33 CFR Part 325.2(e)(4) are departures from the usual procedures for review, coordination, and decision-making.

b. Paragraph 3.d. of PGL O-95-01 has a typographical error. "3.a." in the last sentence should read "3.c." which requires a written request for variance from normal procedures.

c. A typographical error also occurs in subparagraph 3.e(vi). "3.b." should read "3.d."

2. The above should clarify the intent of the referenced PGL's. The basis for this guidance is to assure compliance with the provisions of 33 CFR Part 325.2(e)(4) and to provide the necessary records to support actions taken during significant emergency events, such as the El Nino storm-related floods of 1998 in California. Additionally, my intent is to clarify that "emergency permits" do not exist; "emergency procedures" are provided for by regulation. In every case the Corps of Engineers is required to provide assurances that sensitive environmental resources and public interest concerns are considered even in times of emergency.

3. If you or your Regulatory Branch staff has any questions, please feel free to contact Mr. Wade L. Eakle, my Regulatory Program Manager, at (415) 977-8030.

MICHAEL A. GREBINSKI, P.E.  
Chief, Construction-Operations  
Division

**DEPARTMENT OF THE ARMY  
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS**

630 Sansome Street, room 1219  
San Francisco, California 94111-2206

**CONSTRUCTION-OPERATIONS DIVISION  
PROGRAM GUIDANCE LETTER  
PGL O-95-01**

27 March 1995

Expires 31 December 1997  
**REGULATORY**  
Emergency Authorizations - Procedures for  
The Regulatory Program

1. Purpose: To provide guidance with respect to submission of requests for implementation of Emergency Procedures under the provisions of 33 CFR Part 325.2(e)(4).

2. Applicability: This guidance is applicable to all district offices within the South Pacific Division and is effective NLT 31 March 1995.

3. Guidance:

a. 33 CFR Part 325.2(e)(4) provides for implementation of significantly modified procedures for the review, coordination and decision making with respect to permit applications in emergency situations that "... would result in an unacceptable hazard to life, a significant loss of property or an immediate, unforeseen and significant economic hardship...".

b. It must be understood that there is no such thing as an "Emergency Permit"; the regulations make no provision for issuing an "Emergency Permit" however that term might be defined. The regulation requires that "... even in an emergency situation..." reasonable efforts will be made to coordinate with Federal, state and local agencies and the affected public.

c. Except in the most urgent of situations, requests for authority to use special processing procedures will be signed by the District Engineer or his Deputy. The request shall be submitted in writing via LAN or FAX transmission addressed to Commander, South Pacific Division, ATTN: CESPD-CO (Regulatory). Copies may be sent to other Division elements (i.e. Office of Counsel, Deputy Commander etc.) at the District's discretion.

**CESPD-CO (27 March 1995)**

**SUBJECT: Emergency Operations - Procedures for The Regulatory Program**

d. The District will make reasonable efforts to obtain the views and comments with respect to the proposed action from the appropriate Federal, state and local agencies as well as the affected public. Records of these contacts and the District's evaluation will be part of the written recommendation required by 3.a. above.

e. As a minimum, the following information is to be provided to the Division Engineer:

- (i) Applicant's name, address and telephone number (or the applicant's agent)
- (ii) Application number
- (iii) Location of the proposed activity
- (iv) Description of the proposed activity including schematic drawings of sufficient detail to describe the work proposed.
- (v) The District's assessment of the circumstances justifying the use of special procedures.
- (vi) Record copies of the contacts described in paragraph 3.b. above.
- (vii) Any special conditions appropriate to the proposed activity as determined by the District Engineer and/or recommended by other commenting agencies.
- (viii) Statement regarding conformance with state water quality certification requirements and/or coastal zone management requirements, when applicable.

f. In cases of extreme urgency requiring, in the District Engineer's opinion, immediate response and follow on action, the above information may be relayed via telephone to CESPD-CO-R with written follow-up via electronic transmission within 24 hours. Verbal reports should be well organized and succinct in format to facilitate full and complete understanding of the situation.

**4. Additional Information:**

a. The Division will provide written response within 12 hours of the receipt of the District's request provided all of the essential information is available. In cases of extreme urgency, approvals with any appropriate conditions, will be provided verbally followed by written confirmation.

**CESPD-CO (27 March 1995)**

**SUBJECT: Emergency Operations - Procedures for The Regulatory Program**

b. In the event of emergencies occurring after normal working hours, over a weekend or during holidays the District personnel involved will attempt to contact appropriate Division contacts in priority order as follows:

- (i) Regulatory Program Manager, CESPD-CO-R
- (ii) Director, Construction-Operations Division, CESPD-CO
- (iii) Deputy Division Engineer, CESPD-DE-D
- (iv) Division Engineer, CESPD-DE

The names and telephone numbers will be made available to District Regulatory Branch Chiefs and updated as required.

c. In accordance with the regulation, the District will issue a Public Notice detailing any special procedures authorized and their rationale within 30 days of the date of the Division Engineer's authorization to use expedited processing procedures. This notice will be circulated to the appropriate Federal, state and local agencies and the affected public as defined in 33CFR325.3(a)(1 thru 8).

5. This guidance expires on 31 December 1997 unless sooner revoked or modified.

**FOR THE COMMANDER:**



**THEODORE E. DURST**  
Regulatory Program Manager  
Construction-Operations Division

26 May 1995

MEMORANDUM FOR Dave Castanon, CESPL-CO-R

SUBJECT: PGL 0-95-01

1. Reference your note dated 10 May 1995 concerning several questions raised by your staff in regard to Program Guidance Letter PGL 0-95-01 "Emergency Authorizations, Procedures for the Regulatory Program". The following additional comments are provided:

a. The referenced guidance applies to all actions requiring notice (i.e. individual permits and nationwide permits requiring pre-discharge notifications. Those nationwide permits not requiring pre-discharge notifications are not subject to the requirements of the PGL since there is no modification to normal procedures. The authorizations provided for in Part 325.2(e)(4) are for departures from the usual procedures for review, coordination and decisionmaking.

b. Paragraph 3.d. has a typographical error. "3.a." in the last sentence should read "3.c." which requires a written request for variance from normal procedures.

c. A typographical error also occurs in sub-paragraph 3.e.(vi). "3.b." should be "3.d".

2. Hopefully the above clarifies the intent of the referenced Program Guidance Letter. The basis for this guidance is to assure compliance with the provisions of 33CFR325.2(e)(4) and to provide the necessary records to support actions taken during significant emergency events. Additionally, the intent is to clarify the fact that "emergency permits" do not exist; "emergency procedures" are provided for by the regulations. In every case we are required to provide assurances that sensitive environmental concerns are considered even in times of emergency.

3. If you or your staff have additional questions please feel free to raise them. Thanks for your comments.

Ted Durst  
Regulatory Program Manager